

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Service Rules for the 746-764)	WT Docket No. 99-168
and 776-794 MHz Bands,)	
and Revisions to Part 27 of the)	
Commission's Rules)	
(Television Channels 60-69))	
)	
Reallocation and Service Rules for the)	GN Docket No. 01-74
698-746 MHz Spectrum Band)	
(Television Channels 52-59))	
)	
Auction of Licenses in the)	DA 02-260
747-762 and 777-792 MHz)	Report No. AUC 02-31-A
Bands Scheduled For June 19, 2002)	(Auction No. 31)
)	
Auction of Licenses in the)	DA 02-563
698-746 MHz Band)	Report No. AUC 02-44-B
Scheduled For June 19, 2002)	(Auction No. 44)

To: The Commission

ERRATUM

On May 3, 2002, the Rural Telecommunications Group ("RTG"), by its attorneys, filed an Opposition to Application for Review in the above-referenced proceedings. In reviewing its pleading after it was filed, RTG discovered a factual error concerning the date in which Section 309(j)(3)(E)(ii) of the Communications Act of 1934, as amended, was adopted. A corrected version of the Opposition is attached hereto. RTG regrets any inconvenience this has caused.

Should you have any questions with respect to this matter, please communicate directly with the undersigned.

Respectfully submitted,

THE RURAL TELECOMMUNICATIONS GROUP

By: /s/
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May 6, 2002

Attachments

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OPPOSITION TO APPLICATION FOR REVIEW

Rural Telecommunications Group
1000 Vermont Avenue NW
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(202) 371-8857

May 3, 2002

**Before the
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To: The Commission		

OPPOSITION TO APPLICATION FOR REVIEW

The Rural Telecommunications Group ("RTG"), by its attorneys and pursuant to Section 1.115 of the Commission's Rules, and in accordance with the Commission's April 26 Public Notice, hereby submits this Opposition to the Application for Review ("Application for Review") filed by the Cellular Telecommunications and Internet Association ("CTIA") on April 24, 2002.¹ CTIA has sought review of the Wireless Telecommunications Bureau's denial of CTIA's April 3, 2002 request to postpone the auction of licenses (Auction Nos. 31 and 44) in the Upper and Lower 700 MHz bands (collectively, 700 MHz band), and has requested that the

¹ 47 C. F. R. § 1.115; *Pleading Cycle Established for Oppositions to Application for Review of Wireless Telecommunications Bureau April 10, 2002 Letter, DA 02-857, Regarding Schedule for Auction Nos. 31 and 44, DA 02-971* (April 26, 2002).

Commission delay the auction of licenses in the 700 MHz band beyond the current scheduled start date of June 19, 2002.² For the reasons set forth below, RTG respectfully requests that the Commission deny CTIA's Application for Review and affirm the April 10, 2002 ruling of the Wireless Bureau that such a delay would not be in the public interest.

RTG respectfully submits that the referenced auctions of licenses in the 700 MHz band must and should be held as planned beginning on June 19, 2002. RTG is comprised of a group of rural telecommunications providers who have joined together to speed the delivery of new, efficient, and innovative telecommunications technologies to the populations of remote and underserved regions of the country. For the first time in almost a decade, the FCC has decided to auction portions of the 700 MHz spectrum in Metropolitan Statistical Areas (“MSAs”) and Rural Service Areas (“RSAs”). The use of RSAs will enable rural telecommunications carriers, who are committed to building out and serving less densely populated regions, to better serve these regions. A number of rural carriers plan to use the 700 MHz spectrum to augment their current cellular systems for 3G capability and/or for wireless broadband applications and are anxious to acquire spectrum. They are ready to provide these services *now* provided they can obtain the necessary spectrum. Like any small business, rural carriers need stability and certainty from the government in order to function optimally. Unanticipated and unwarranted delays granted at the behest of large carriers is disruptive to the long term business planning of rural carriers and, as discussed below, would frustrate Congressional intent.

² Letter ruling from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, to Thomas E. Wheeler, President/CEO, Cellular Telecommunications & Internet Association, DA 02-857 (rel. April 11, 2002).

I. Section 309(j) Demands that the Auctions Proceed as Scheduled

CTIA essentially advances two arguments to support its request to delay the 700 MHz auctions. First, CTIA argues that allowing Auction Nos. 31 and 44 to go forward on June 19 would be inconsistent with section 309(j)(3)(E)(ii) of the Communications Act, which requires the Commission to ensure sufficient time before beginning an auction for potential bidders to develop business plans, assess market conditions, and evaluate availability of equipment for the relevant services. Essentially, CTIA argues that uncertainty surrounding when incumbent broadcasters will ultimately clear the Upper and Lower 700 MHz bands means that potential bidders cannot develop business plans, assess market conditions or evaluate availability of equipment.

For all of CTIA's arguments about "uncertainty" and statutory construction, the issue here is extraordinarily simple. The Commission simply does not have the statutory authority to delay the auction. Congress has specifically addressed the auctions in question, mandating that the spectrum at issue in Auction Nos. 31 and 44 be auctioned, the licenses awarded, and the proceeds paid into the U.S. Treasury by September 30, 2002.³ Even assuming *arguendo* the existence of an inconsistency between Section 309(j)(3)(E)(ii) and BBA 97, rules of statutory construction mandate that the statute which is more specific controls.⁴ In this instance, Section

³ Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 § 3003 (1997) (adding new Section 309(j)(14) to the Communications Act of 1934, as amended) ("BB 97") ("The Commission shall complete the assignment of [licenses for services occupying spectrum reclaimed from analog television services], and report to the Congress the total revenues from such competitive bidding, by September 30, 2002"); §3007 (uncodified, reproduced at 47 U.S.C. § 309(j) note 3) ("The Commission shall conduct the competitive bidding required under this title or the amendments made by this title in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 not later than September 30, 2002).

⁴ *Radzanower v. Touche Ross & Co.*, 426 U.S. 148 (1976). CTIA argues that "[i]n situations where there is a statutory conflict such as the one that is present here, the conflict may be

(continued)

309 (j)(14) is more specific than Section 309 (j)(3)(E)(ii). Accordingly, CTIA's interpretation of Section 309(j)(3)(E)(ii), even if correct, provides no basis for overriding the specific statutory mandate of Sections 3003 and 3007 of BBA 97. If the auctions do not proceed as scheduled, the Commission will not be capable of conducting the auctions and thereby complying with its BBA 97 mandate. Any delay as requested by CTIA will therefore result in an uncontroverted violation of Section 309(j)(14) of the Communications Act of 1934, as amended.

Even assuming *arguendo* that the Commission has the statutory authority to delay the auction, Section 309(j) of the Communications Act, contrary to the claims of CTIA, *requires* the 700 MHz Auctions *to go forward* without further delay. Any delay of Auction No. 44 will slow the delivery of new and innovative spectrum-based services to rural America, contrary to Sections 309(j)(3) and (4) of the Communications Act directing the FCC to ensure that both rural consumers and rural telephone companies have a meaningful opportunity of using and acquiring spectrum-based services.⁵

reconciled through reasonable statutory interpretation.” CTIA provides no support for its conclusion that negating the plain meaning of a statute dealing specifically with the issue at hand is a “reasonable” interpretation.

⁵ 47 U.S.C. § 309(j) provides, in relevant part:

(3) . . . [Th]e Commission shall include safeguards to protect the public interest in the use of the spectrum and shall seek to promote the purposes specified in Section 1 of this Act and the following objectives:

(A) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays;

(B) promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.

(continued)

Even assuming *arguendo* that the Commission has the authority to delay the auction , and adopting *arguendo* CTIA’s statutory interpretation, its “uncertainty” argument fails to withstand even the most cursory scrutiny. Auction of the Upper 700 MHz band, originally subject to a statutory deadline of September 30, 2000, has been delayed five times. During this period, the Commission has actively worked to speed the digital transition and to establish a framework for voluntary band clearing that will give incumbent broadcasters incentives to relocate and clear the bands. Potential bidders have had ample time to conduct due diligence to determine the extent to which the particular channel blocks they are interested in bidding on are presently encumbered and to value the spectrum on which they wish to bid accordingly.

The public has known about both of these auctions for five years. Due to previous auction delays, potential bidders have had over two *additional* years to develop their business plans and assess the marketplace, which is two years longer than they otherwise would have had if the auctions had been conducted as originally scheduled. Likewise, the unusually long license term for these licenses (through 2015) already takes into account that the digital transition is not targeted to end until 2006. While it might be possible that the transition could last beyond 2006, it is equally possible that the voluntary band clearing mechanisms adopted by the Commission could free up these bands even sooner.

Section 309(j)(4)(d) states that, in prescribing regulations pursuant to paragraph (3), the Commission shall:

Ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures.

Concerns about equipment availability are unpersuasive. Such questions about equipment are always present when new spectrum is auctioned. RTG notes that equipment manufacturers typically do not even begin to develop equipment for a particular band until there are licensed entities authorized to utilize that spectrum. Accordingly, to the extent that the 700 MHz auctions are delayed, any uncertainty about the availability of equipment will only be prolonged.

There is nothing about the 700 MHz bands that would suggest that there are unique problems in developing equipment to operate on those frequencies. Indeed, equipment vendors have already informed RTG members that equipment designed for wireless services in Cellular, SMR and other nearby bands could be easily modified to operate in the 700 MHz bands. Nothing in CTIA's Application for Review suggests otherwise.

Simply put, CTIA's claims of uncertainty are overblown. In many areas, particularly in rural areas, the Lower 700 MHz band is unencumbered. There are over 734 licenses that will be awarded using the MSA/RSA licensing mechanism. Out of those 734 licenses, less than 15 percent contain TV stations operating on channels 52-59.⁶ Only 25 TV stations in the 700 MHz Lower Band are in operation west of the Mississippi River. Of those 25, seventeen TV Stations are located in California and Texas. That leaves only eight TV Stations operating in the 22 remaining states west of the Mississippi. These states make up a majority of the geographic area of the country. It is not good public policy to hold more than half of the country hostage because eight TV stations need to be relocated! The spectrum in question is spectrum that can be put to good use now in rural America.

⁶ See Exhibit A. Only 32 RSAs and 62 MSAs in the 700 MHz Lower Band contain TV stations operating in Channels 52-59. RTG also notes that the Upper 700 MHz band is similarly unencumbered. Only 29 TV stations in the 700 MHz Upper Band are in operation west of the Mississippi River. Of those 29, nineteen TV Stations are located in California and Texas. That leaves only ten TV Stations operating in the 22 remaining states west of the Mississippi.

II. The Introduction of Legislation Does not Provide a Basis for Auction Delay

CTIA's second argument rests on the recent introduction of a bill in Congress, the Auction Reform Act of 2002, which, if enacted, would delay the 700 MHz auctions. CTIA characterizes this as an important new circumstance which the Wireless Bureau did not have a chance to consider in denying CTIA's April 3 request to postpone Auction Nos. 31 and 44. The simple response is that this argument entirely ignores the fact that Congress has already established a deadline for the 700 MHz auctions that requires the spectrum to be auctioned, the licenses awarded, and the proceeds to be paid into the U.S. Treasury by September 30, 2002. 47 U.S.C. §309(j)(14). The FCC must comply with Congress's mandate. The only way for that deadline to be met is to go forward with the auctions as planned.

As suggested by CTIA, Congress could change its mind and pass legislation requiring that the auction be delayed. However, this is all the more reason for the Commission to adhere to the existing Congressional mandate requiring the auctions to go forward now and not seek to bypass the legislative process by acting on authority which it does not have to delay the auctions. Congressional will to delay the auctions is speculative at best given recent reports that Senator Ted Stevens, ranking member of the Senate Appropriations Committee, plans to introduce legislation directing the Commission to go forward with the auctions on June 19, 2002.⁷ Should Congress, through legislation, direct the Commission to delay the auction, the Commission will

⁷ Crain Communications, Inc., *Legislation to Start 700 MHz Auction on Deck*, RCR Wireless News (April 29, 2002) at p.1. RTG notes that if the mere introduction of legislation constitutes a significant regulatory development warranting the override of a statutory directive, as argued by CTIA, then the introduction of the Stevens legislation should under CTIA's logic in and of itself provide a basis for denying CTIA's Application for Review.

do so. However, the Commission may not second guess Congress and ignore the existing mandate to go forward with the auctions as planned.⁸

Wherefore, for the reasons set forth above, RTG respectfully requests that the Commission deny CTIA's Application for Review, affirm the ruling of the Wireless Bureau, and move forward with Auctions Nos. 31 and 44 on June 19, 2002 as planned.

Respectfully submitted,

RURAL TELECOMMUNICATIONS GROUP

By: _____/s/

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May 3, 2002

⁸For the same reasons, the letter in support of CTIA's Application for Review filed by the Coalition for Constructive Public Safety Interference Solutions should be given short shrift. Apart from a credibility gap engendered by the fact that this "public safety coalition" does not have a single public safety agency in its membership and is comprised entirely of the same large wireless carriers that are CTIA's core membership, the coalition asks the Commission to delay the auctions not so that Congress may act on pending legislation, but rather to give them time to formulate legislation which could be introduced at some later unspecified date. RTG submits that the outcome of this "initiative" is far more speculative and uncertain than the timing of the digital transition and the clearing of the 700 MHz bands by incumbent broadcasters.

EXHIBIT A

Television Stations Operating in the Lower and Upper 700 MHz Band

(Based on information contained in *Warren Communications News, Television & Cable Fact Book 2001*, Stations Vol. 2)

*TV stations located west of the Mississippi River licensed to operate on Channel Numbers 52 - 59

Note: There are 25 stations located west of the Mississippi River licensed to operate on Channel Numbers 52 - 59.

City, State	County	MSA/RSA
Channel No- 52		
*Corona, CA	Riverside	MSA 2-Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino-Ontario, CA
Cocoa, FL	Brevard	MSA 137- Melbourne-Titusville-Palm Bay, FL
Albany, GA	Dougherty	MSA 261- Albany, GA
Carnesville, GA	Franklin	RSA 372- Georgia 2 - Dawson
*Carroll, IA	Carroll	RSA 420- Iowa 9 - Ida
Owenton, KY	Owen	RSA 449- Kentucky 7 - Trimble
Cumberland, MD	Allegany	RSA 561- New York 3 - Chautauqua
Kalamazoo, MI	Kalamazoo	MSA 132- Kalamazoo, MI
Keene, NH	Cheshire	RSA 548- New Hampshire 1 - Coos
Trenton, NJ	Mercer	MSA 121- Trenton, NJ
Ithaca, NY	Tompkins	RSA 562- New York 4 - Yates
Sandusky, OH	Erie	RSA 586- Ohio 2 - Sandusky
Oklahoma City, OK	Cleveland and Oklahoma	MSA 45- Oklahoma City, OK
Fayetteville, TN	Lincoln	RSA 648- Tennessee 6 - Giles
*Blanco, TX	Blanco	RSA 666- Texas 15 - Concho
*Fort Worth, TX	Tarrant	MSA 9- Dallas-Forth Worth, TX
Courtland, VA	Southampton	RSA 689- Virginia 9 - Greenville
Marlon, VA	Smyth	RSA 682- Virginia 2 - Tazewell
Carolina, PR	Carolina	MSA 91- San Juan-Caguas, PR
Channel No- 53		
*Fresno, CA	Fresno	MSA 74- Fresno, CA
*Castle Rock, CO	Douglas	MSA 19- Denver-Boulder, CO
Norwich, CT	New London	MSA 154- New London-Norwich, CT
Fort Walton Beach, FL	Okaloosa	MSA 265- Fort Walton Beach, FL
High Springs, FL	Alachua	MSA 192- Gainesville, FL
Bowling Green, KY	Warren	RSA 445- Kentucky 3 - Meade
Lansing, MI	Eaton	MSA 78- Lansing-East Lansing, MI
Atlantic City, NJ	Atlantic	MSA 134- Atlantic City, NJ
Rockingham, NC	Richmond	RSA 569- North Carolina 5 - Anson
Chillicothe, OH	Ross	RSA 593- Ohio 9 - Ross
*Tulsa, OK	Creek	MSA 57- Tulsa, OK
Pittsburgh, PA	Allegheny	MSA 13- Pittsburgh, PA
Cleveland, TN	Bradley	RSA 649- Tennessee 7 - Bledsoe
Fredericksburg, VA	Fredericksburg	RSA 691- Virginia 11 - Madison
Channel No- 54		

Huntsville-Decatur, AL	Huntsville (Madison) Decatur (Morgan)	Madison - MSA Morgan - RSA
*San Jose, CA	Santa Clara	MSA 27- San Jose, CA
Augusta, GA	Richmond and Columbia	MSA 108- Augusta, GA/SC
Columbus, GA	Columbia	MSA 108- Augusta, GA/SC
Kankakee, IL	Kankakee	MSA 273- Kankakee, IL
Covington, KY	Kenton	MSA 23- Cincinnati, OH-KY-IN
Baltimore, MD	Anne Arundel	MSA 14- Baltimore, MD
Muskegon, MI	Muskegon	MSA 181- Muskegon, MI
*Omaha, NE	Douglas, Sarpy	MSA 65- Omaha, NB-IA
Poughkeepsie, NY	Dutchess	MSA 151- Poughkeepsie, NY
Erie, PA	Erie	MSA 130- Erie, PA
*Austin, TX	Travis and Williamson	MSA 75- Austin, TX
*Longview, TX	Gregg	MSA 206- Longview-Marshall, TX
Lynchburg, VA	Lynchburg	MSA 203- Lynchburg, VA
Arecibo, PR	Arecibo	MSA 202- Arecibo, PR
Channel No- 55		
Gulf Shores, AL	Baldwin	MSA 83- Mobile, AL
Leesburg, FL	Lake	RSA 363- Florida 4 - Citrus
Springfield, IL	Sagamon	MSA 176- Springfield, IL
Fort Wayne, IN	Allen	MSA 96- Fort Wayne, IN
Amsterdam, NY	Montgomery	MSA 44- Albany-Schenectady-Troy, NY
Riverhead, NY	Suffolk	MSA 1- New York, NY-NJ/Nassau-Suffolk, NY/Newark, Jersey City and Paterson-Clifton- Passaic, NJ
Akron, OH	Summit	MSA 52- Akron, OH
Hillsboro, OH	Highland	RSA 592- Ohio 8 - Clinton
State College, PA	Centre	MSA 259- State College, PA
Rock Hill, SC	York	RSA 633- South Carolina 9 - Lancaster
Crossville, TN	Cumberland	RSA 645- Tennessee 3 - Macon
*Conroe, TX	Montgomery	MSA 10- Houston, TX
*Lake Dallas, TX	Denton	MSA 9- Dallas-Forth Worth, TX
Norfolk-Portsmouth- Newport News-Hampton, VA	Chesapeake city VA, Norfolk city VA, Portsmouth city VA, Suffolk city VA, Virginia Beach city VA	MSA 43- Norfolk-Virginia Beach-Portsmouth, VA/NC
Kenosha, WI	Kenosha County	MSA 244- Kenosha, WI
Channel No- 56		
*Anaheim, CA	Orange	MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino- Ontario, CA
*Salinas-Monterey, CA	Monterey	MSA 126- Salinas-Seaside-Monterey, CA
Melbourne, FL	Brevard	MSA 137- Melbourne-Titusville-Palm Bay, FL
Gary, IN	Lake	MSA 54- Gary-Hammond-East Chicago, IN
Danville, KY	Boyle	RSA 448- Kentucky 6 - Madison
Waldorf, MD	Charles	MSA 8- Washington, DC-MD-VA
Boston, MA	Middlesex	MSA 6- Boston-Lowell-Brockton-Lawrence- Haverhill, MA-NH

Detroit, MI	Lapeer, Livingston, Macomb, Oakland, St- Clair, Wayne and Washtenaw	MSA 5- Detroit/Ann Arbor, MI
Syracuse, NY	Onondaga	MSA 53- Syracuse, NY
Franklin, NC	Macon	RSA 565- North Carolina 1 - Cherokee
Columbus, OH	Delaware, Fairfield, Franklin, Madison and Pickaway	MSA 31- Columbus, OH
Hazleton, PA	Luzerne	MSA 56- Northeast Pennsylvania, PA
*Lowry, SD	Walworth	RSA 635- South Dakota 2 - Corson
*Jacksonville, TX	Cherokee	RSA 662- Texas 11 - Cherokee
Danville, VA	Danville City and Pittsylvania	MSA 262- Danville, VA
Fairfax, VA	Fairfax	MSA 8- Washington, DC-MD-VA
*Tacoma, WA	Pierce	MSA 82- Tacoma, WA
Channel No- 57		
Atlanta, GA	De Kalb	MSA 17- Atlanta, GA
Hazard, KY	Perry	RSA 452- Kentucky 10 - Powell
Madisonville, KY	Hopkins	RSA 444- Kentucky 2 - Union
Springfield, MA	Hampden	MSA 63- Springfield-Chicopee-Holyoke, MA
Bad Axe, MI	Huron	RSA 481- Michigan 10 - Tuscola
Plattsburgh, NY	Clinton	RSA 560- New York 2 - Franklin
Lima, OH	Allen, Auglaize, Putnam and Van Wert	MSA 158- Lima, OH
Altoona, PA	Blair	MSA 225- Altoona, PA
Philadelphia, PA	Bucks, Chester, Delaware, Montgomery, Philadelphia, Burlington, Camden and Gloucester	MSA 4- Philadelphia, PA
Columbia, SC	Lexington	MSA 95- Columbia, SC
*Baytown, TX	Harris	MSA 10- Houston, TX
Richmond, VA	Richmond	MSA 59- Richmond, VA
Parkersburg, WV	Wood	MSA 200- Parkersburg-Marietta, OH-WV
Janesville, WI	Rock	MSA 216- Janesville-Beloit, WI
Channel No- 58		
*Sierra Vista, AZ	Cochise	RSA 323- Arizona 6 - Graham
*Los Angeles, CA	Los Angeles	MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino-Ontario, CA
*Stockton, CA	San Joaquin	MSA 107- Stockton, CA
Fort Walton Beach, FL	Okaloosa	MSA 265- Fort Walton Beach, FL
*Burlington, IA	Des Moines	RSA 415- Iowa 4 - Muscatine
Vineyard Haven, MA	Dukes	RSA 471- Massachusetts 2 - Barnstable
Ann Arbor, MI	Washtenaw	MSA 5- Detroit/Ann Arbor, MI Counties - Lapeer, Livingston, Macomb, Oakland, St-Clair, Wayne and Washtenaw
Asbury Park, NJ	Monmouth	MSA 70- Long Branch-Asbury Park, NJ
New Brunswick, NJ	Middlesex	MSA 62- New Brunswick-Perth Amboy-Sayreville, NJ
Glens Falls, NY	Saratoga	MSA 44- Albany-Schenectady-Troy, NY
Concord, NC	Cabarrus	RSA 579- North Carolina 15 - Cabarrus
Youngstown, OH	Mahoning	MSA 66- Youngstown-Warren, OH
Nashville, TN	Davidson	MSA 46- Nashville-Davidson, TN

*Dallas, TX	Collin	MSA 9- Dallas-Forth Worth, TX
Milwaukee, WI	Milwaukee	MSA 21- Milwaukee, WI
Caguas, PR	Caguas	MSA 91- San Juan-Caguas, PR
Channel No- 59		
*Fresno, CA	San Bernardino	MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino-Ontario, CA
New Haven, CT	New Haven	MSA 49- New Haven-West Haven-Waterbury-Meriden, CT
Jacksonville, FL	Clay	MSA 51- Jacksonville, FL
Peoria, IL	Peoria	MSA 103- Peoria, IL
Indianapolis, IN	Hamilton	MSA 28- Indianapolis, IN
Bowling Green, KY	Warren	RSA 445- Kentucky 3 - Meade
Vineland, NJ	Cumberland	MSA 228- Vineland-Millville-Bridgeton, NJ
Utica, NY	Oneida	MSA 115- Utica-Rome, NY
Andrews, NC	Cherokee	RSA 565- North Carolina 1 - Cherokee
Waynesville, NC	Haywood	RSA 565- North Carolina 1 - Cherokee
Lebanon, PA	Lebanon	RSA 623- Pennsylvania 12 - Lebanon
#TV stations located west of the Mississippi River licensed to operate on Channel Numbers 60 - 69		

Notes: There are 29 stations located west of the Mississippi River licensed to operate on Channel Numbers 60 - 69.

Channel No- 60		
Dothan, AL	Dale	MSA 246- Dothan, AL
Gadsden, AL	Etowah	MSA 272- Gadsden, AL
#San Mateo, CA	San Mateo	MSA 7- San Francisco-Oakland, CA
Sebring, FL	Highlands	RSA 361- Florida 2 - Glades
Elberton, GA	Elbert	RSA 374- Georgia 4 - Jasper
Aurora, IL	Kane	MSA 3- Chicago, IL
Madison, IN	Jefferson	RSA 411- Indiana 9 - Decatur
Manchester, NH	Hillsborough	MSA 133- Manchester-Nashua, NH
Bethlehem, PA	Clearfield	RSA 618- Pennsylvania 7 - Jefferson
Livingston, TN	Overton	RSA 645- Tennessee 3 - Macon
#Harlingen, TX	Cameron	MSA 162- Brownsville-Harlingen, TX
#San Antonio, TX	Bexar	MSA 33- San Antonio, TX
#Tyler, TX	Smith	MSA 237- Tyler, TX
Roanoke, VA	Roanoke	MSA 157- Roanoke, VA
Martinsburg, WV	Berkeley	RSA 704- West Virginia 4 - Grant
Arecibo, PR	Arecibo	MSA 202- Arecibo, PR
Channel No- 61		
Mobile, AL	Mobile	MSA 83- Mobile, AL
Hartford, CT	Hartford	MSA 32- Hartford-New Britain-Bristol, CT
Wilmington, DE	New Castle	MSA 69- Wilmington, DE-NJ-MD
Gainesville, FL	Alachua	MSA 192- Gainesville, FL
West Palm Beach, FL	Palm Beach	MSA 72- West Palm Beach-Boca Raton, FL
Ashland, KY	Boyd	MSA 110- Huntington-Ashland, WV/KY/OH
Owensboro, KY	Daviess	MSA 293- Owensboro, KY
Bay City, MI	Bay	MSA 94- Saginaw-Bay City-Midland, MI

Rochester, NY	Monroe	MSA 34- Rochester, NY
Greensboro, NC	Guilford	MSA 47- Greensboro-Winston-Salem-High Point, NC
Cleveland, OH	Cuyahoga, Geauga, Lake and Medina	MSA 16- Cleveland, OH
Chattanooga, TN	Hamilton	MSA 88- Chattanooga, TN-GA
#Houston, TX	Harris	MSA 10- Houston, TX
Channel No- 62		
Birmingham, AL	Shelby	MSA 41- Birmingham, AL
#Riverside, CA	Riverside	MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino-Ontario, CA
Santa Rosa, CA	Sonoma	MSA 123- Santa Rosa-Petaluma, CA
Venice, FL	Sarasota	MSA 167- Sarasota, FL
Hammond, IN	Lake	MSA 54- Gary-Hammond-East Chicago, IN
Lexington, KY	Fayette	MSA 116- Lexington-Fayette, KY
Frederick, MD	Frederick	RSA 469- Maryland 3 - Frederick
Presque Isle, ME	Aroostook	RSA 464- Maine 2 - Somerset
Middleton, MA	Essex	MSA 6- Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH
Detroit, MI	Monroe	MSA 48- Toledo, OH-MI
#Kansas City, MO	Clay	MSA 24- Kansas City, MO-KS
Atlantic City, NJ	Atlantic	MSA 134- Atlantic City, NJ
Kingston, NY	Ulster	RSA 563- New York 5 - Otsego
Ashville, NC	Nash	RSA 572- North Carolina 8 - Northampton
Fayetteville, NC	Cumberland	MSA 149- Fayetteville, NC
Steubenville, OH	Jefferson	MSA 199- Steubenville-Weirton, OH-WV
#Oklahoma City, OK	Cleveland	MSA 45- Oklahoma City, OK
#Lowry, SD	Walworth	RSA 635- South Dakota 2 - Corson
#Seattle, WA	King	MSA 20- Seattle-Everett, WA
Channel No- 63		
#Oxnard, CA	Ventura	MSA 73- Oxnard-Simi Valley-Ventura, CA
Boca Raton, FL	Palm Beach	MSA 72- West Palm Beach-Boca Raton, FL
Palatka, FL	Putnam	RSA 364- Florida 5 - Putnam
Galesburg, IL	Knox	RSA 396- Illinois 3 - Mercer
Angola, IN	Steuben	RSA 404- Indiana 2 - Kosciusko
Bloomington, IN	Monroe	MSA 282- Bloomington, IN
#Des Moines, IA	Polk	MSA 102- Des Moines, IA
Newton, NJ	Sussex	RSA 552- New Jersey 3 - Sussex
#Tulsa, OK	Creek	MSA 57- Tulsa, OK
Bluefield, VA	Tazewell	RSA 682- Virginia 2 - Tazewell
Richmond, VA	Richmond	RSA 692- Virginia 12 - Caroline
Channel No- 64		
#Barstow, CA	Fresno San Bernardino	MSA74- Fresno, CA MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino-Ontario, CA
#Stockton, CA	San Joaquin	MSA 107- Stockton, CA
Seaford, DE	Sussex	RSA 359- Delaware 1 - Kent

Macon, GA	Bibb	RSA 138- Macon-Warner Robins, GA
Streator, IL	Livingston	RSA 395- Illinois 2 - Bureau
Kalamazoo, MI	Kalamazoo	MSA 132- Kalamazoo, MI
Kannapolis, NC	Cabarrus	RSA 579- North Carolina 15 - Cabarrus
Cincinnati, OH	Brown	RSA 592- Ohio 8 - Clinton
Scranton, PA	Lackawanna	MSA 56- Northeast Pennsylvania, PA
Providence, RI	Providence	MSA 38- Providence-Warwick-Pawtucket, RI
Tullahoma, TN	Coffee	RSA 644- Tennessee 2 - Cannon
Charlottesville, VA	Charlottesville	MSA 256- Charlottesville, VA
Bellingham, WA	Whatcom	MSA 270- Bellingham, WA
Vega Baja, PR	Arecibo	MSA 202- Arecibo, PR Counties - Arecibo Municipio, Camuy Municipio, Hatillo Municipio and Quebradillas Municipio
Channel No- 65		
#San Jose, CA	Los Angeles	MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino- Ontario, CA
New Haven, CT	New Haven	MSA 49- New Haven-West Haven-Waterbury- Meriden, CT
Orlando, FL	Orange	MSA 60- Orlando, FL
Cedartown, GA	Polk	RSA 373- Georgia 3 - Chattooga
Freeport, IL	Stephenson	RSA 394- Illinois 1 - Jo Davie
Springfield, IL	Sagamon	MSA 176- Springfield, IL
Beattyville, KY	Lee	RSA 452- Kentucky 10 - Powell
Cumberland, MD	Allegany	MSA 269- Cumberland, MD-WV
Vineland NJ	Cumberland	MSA 228- Vineland-Millville-Bridgeton, NJ
Ithaca, NY	Tompkins	RSA 562- New York 4 - Yates
Defiance, OH	Defiance	RSA 585- Ohio 1 - Williams
#El Paso, TX	El Paso	MSA 81- El Paso, TX
Ashland, VA	Hanover	MSA 59- Richmond, VA
Blacksburg, VA	Montgomery	RSA 683- Virginia 3 - Giles
Channel No- 66		
Opelika, AL	Lee	RSA 314- Alabama 8 - Lee
#Vallejo-Fairfield, CA	Solano	MSA 111- Vallejo-Fairfield-Napa, CA
Elgin, IL	Kane	MSA 3- Chicago, IL
Joliet, IL	Will	MSA 3- Chicago, IL
Worcester, MA	Worcester	MSA 55- Worcester-Fitchburg-Leominster, MA
Flint, MI	Genesee	MSA 68- Flint, MI
West Milford, NJ	Passaic	MSA 1- New York, NY-NJ/Nassau-Suffolk, NY/Newark, Jersey City and Paterson-Clifton- Passaic, NJ
Forest City, NC	Rutherford	RSA 568- North Carolina 4 - Henderson
Springfield, OH	Clark	MSA 180- Springfield, OH
Erie, PA	Erie	MSA 130 Erie, PA
Lebanon, TN	Bradley	RSA 649- Tennessee 7 - Bledsoe
Manassas, VA	Manassas	MSA 8- Washington, DC-MD-VA
Fairmount, WV	Marion	RSA 703- West Virginia 3 - Monongalia

Channel No- 67		
Troy, AL	Pike	RSA 313- Alabama 7 - Butler
#Salinas-Monterey, CA	Monterey	MSA 126- Salinas-Seaside-Monterey, CA
Lake Worth, FL	Palm Beach	MSA 72- West Palm Beach-Boca Raton, FL
#Lihue, HI	Kauai	RSA 385- Hawaii 1 - Kauai
Anderson, IN	Madison	MSA 217- Anderson, IN
Morehead, KY	Rowan	RSA 450- Kentucky 8 - Mason
Baltimore, MD	Baltimore	MSA 14- Baltimore, MD
Bryson City, NC	Swain	RSA 565- North Carolina 1 - Cherokee
High Point, NC	Guilford	MSA 47- Greensboro-Winston-Salem-High Point, NC
Patchogue, NY	Suffolk	MSA 1- New York, NY-NJ/Nassau-Suffolk, NY/Newark, Jersey City and Paterson-Clifton-Passaic, NJ
Canton, OH	Stark	MSA 87- Canton, OH
#Alvin, TX	Brazoria	MSA 10- Houston, TX
Channel No- 68		
Birmingham, AL	Jefferson	MSA 41- Birmingham, AL
#Los Angeles, CA	Los Angeles	MSA 2- Los Angeles-Long Beach/Anaheim-Santa Ana-Garden Grove/Riverside-San Bernardino-Ontario, CA
Novato, CA	Marin	MSA 7- San Francisco-Oakland, CA
Clemont, FL	Lake	RSA 363- Florida 4 - Citrus
Toccoa, GA	Stephens	RSA 372- Georgia 2 - Dawson
Danville, IL	Vermilion	RSA 400- Illinois 7 - Vermilion
Louisville, KY	Jefferson	MSA 37- Louisville, KY-IN
Hagerstown, MD	Washington	MSA 257- Hagerstown, MD
Boston, MA	Suffolk	MSA 6- Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH
#Kansas City, MO	Jackson	MSA 24- Kansas City, MO-KS
Newark, NJ	Essex	MSA 1- New York, NY-NJ/Nassau-Suffolk, NY/Newark, Jersey City and Paterson-Clifton-Passaic, NJ
Syracuse, NY	Onondaga	MSA 53- Syracuse, NY
Mansfield, OH	Richland	MSA 231- Mansfield, OH
#Lowry, SD	Walworth	RSA 635- South Dakota 2 - Corson
#Arlington, TX	Tarrant	MSA 9- Dallas-Forth Worth, TX
Channel No- 69		
#San Diego, CA	San Diego	MSA 18- San Diego, CA
Hollywood, FL	Broward	MSA 12- Miami-Fort Lauderdale-Hollywood, FL
Atlanta, GA	Fulton	MSA 17- Atlanta, GA
Indianapolis, IN	Marion	MSA 28- Indianapolis, IN
#Des Moines, IA	Polk	MSA 102- Des Moines, IA
Paintsville, KY	Johnson	RSA 451- Kentucky 9 - Elliott
East Lansing, MI	Ingham	MSA 78- Lansing-East Lansing, MI
Block Island, RI	Washington	MSA 38- Providence-Warwick-Pawtucket, RI

Allentown, PA	Lehigh	MSA 58- Allentown-Bethlehem-Easton, PA-NJ
Fredericksburg, VA	Fredericksburg	RSA 691- Virginia 11 - Madison

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I, Sylvester Lindsay, hereby certify that on this 3rd day of May, 2002, I served copies of the foregoing Opposition to Application for Review, via e-mail or regular mail upon the following:

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/s/

Sylvester Lindsay

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I, Joy Barksdale, herby certify that on this 6th day of May, 2002, I served copies of the foregoing Erratum via e-mail or regular mail upon the following:

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